

1 Payam Shahian (State Bar No. 228406)
2 STRATEGIC LEGAL PRACTICES, APC
3 e-mail: pshahian@slpattorney.com
4 1875 Century Park East., Suite 700
5 Los Angeles, CA 90067
6 Telephone: (310) 277-1040
7 Facsimile: (310) 943-3838

8 Robert L. Starr (State Bar No. 183052)
9 THE LAW OFFICE OF ROBERT L. STARR
10 e-mail: starresq@hotmail.com
11 23277 Ventura Boulevard
12 Woodland Hills, California, 91364-1002
13 Telephone: (818) 225-9040
14 Facsimile: (818) 225-9042

15 Dara Tabesh (State Bar No. 230434)
16 e-mail: DTabesh@hotmail.com
17 201 Spear St. Ste. 1100
18 San Francisco, CA 94105
19 Telephone: (415) 595-9208
20 Facsimile: (310) 693-9083

21 Attorneys for Plaintiff Rodolfo F. Mendoza

22 UNITED STATES DISTRICT COURT
23 CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

24 RODOLFO FIDEL MENDOZA,
25 individually, and on behalf of a class of
26 similarly situated individuals,

27 Plaintiff,

28 v.

GENERAL MOTORS, LLC,

Defendant.

CASE NO. CV 10-2683 AHM (VBK)

Hon. A. Howard Matz

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF MEMORANDUM
OF POINTS AND AUTHORITIES IN
OPPOSITION TO PLAINTIFF'S
MOTION TO DISMISS OR
TRANSFER**

Hearing Date: October 11, 2010

Time: 10:00 a.m.

Courtroom: 14

Plaintiff Rodolfo F. Mindoza, by and through his undersigned counsel,
hereby respectfully requests the Court to take judicial notice pursuant to Rule 201
of the Federal Rules of Evidence of the following exhibits attached to the
Declaration of Dara Tabesh (“Tabesh Decl.”) filed concurrently herewith:

Exhibit	Document
1	June 26, 2009 Amended and Restated Master Sale and Purchase Agreement (“MPA”)
2	Order (I) Authorizing Sale of Assets Pursuant to Amended and Restated Master Sale and Purchase Agreement With NGMCO, Inc., a U.S. Treasury-Sponsored Purchaser; (II) Authorizing Assumption and Assignment of Certain Executory Contracts and Unexpired Leases in Connection With the Sale; and (III) Granting Related Relief) (“Sale Approval Order”)
3	<i>In re General Motors Corp., et al., Debtors</i> , 407 B.R. 463 (S.D.N.Y. Bkrpt. July 5, 2009)
4	<i>Ehrlich, et al. v. BMW of North America, LLC</i> , No. 10-1151-ABC-PJWx, Docket No. 28 (C.D. Cal. Aug. 11, 2010)
5	<i>Marsikian, et al. v. Mercedes Benz USA, LLC, et al.</i> , No. 2:08-cv-04876-AHM-JTL, Docket No. 46 (C.D. Cal. May 4, 2009)
6	Report of the Senate Committee on Judiciary regarding Senate Bill 486 for a hearing dated May 4, 1993
7	<i>Winn, et al. v. Chrysler Group, LLC</i> , No. 2:09-cv-02805-MCE-GGH, 2009 WL 5206647 (E.D. Cal. 2009)
8	Chrysler LLC et al., Sale Approval Order: Old Carco LLC f/k/a Chrysler LLC, No. 09-5002 (Bankr. S.D.N.Y. May 20,

1		2009) (Docket No. 3232)
2	9	<i>Winn v. Chrysler Group, LLC</i> , No. 2:09-02805-MCE-GGH,
3		2010 WL 1416749 (E.D. Cal. 2010)

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5 **I. THE COURT SHOULD TAKE JUDICIAL NOTICE OF PUBLIC**

6 **RECORDS**

7 Under Federal Rule of Evidence 201, “[a] judicially noticed fact must be

8 one not subject to reasonable dispute in that it is either (1) generally known within

9 the territorial jurisdiction of the trial court or (2) capable of accurate and ready

10 determination by resort to sources whose accuracy cannot reasonably be

11 questioned.”

12 The legislative history of California’s “Secret Warranty Law,” known as

13 Senate Bill 486, easily is a fact “capable of accurate and ready determination by

14 resort to sources whose accuracy cannot reasonably be questioned.” *Fed. Deposit*

15 *Ins. Corp. v. Jackson-Shaw Partners No. 46, Ltd.*, 1994 WL 665262, at *8 n. 4

16 (N.D. Cal. Aug. 12, 1994) (under Rule 201, court may take judicial notice of the

17 legislative history of a statute). Several courts both within and outside this district

18 therefore have relied on section 201 in taking judicial notice of the legislative

19 history of various rules or statutes. *See, e.g., Hunt v. Check Recovery Sys., Inc.*,

20 478 F. Supp. 2d 1157, 1161 n.1 (N.D. Cal. 2007) (taking judicial notice of the

21 legislative history of California Business and Professions Code § 25000.2); *Rojas*

22 *v. Brinderson Constructors, Inc.*, 567 F. Supp. 2d 1205, 1208 (C.D. Cal. 2008)

23 (taking judicial notice of legislative history of Cal. Labor Code Section 2010).

24 Similarly, publicly filed court orders reflect facts not subject to reasonable

25 dispute. *Summerfield v. Strategic Lending Corp.*, 2010 U.S. Dist. LEXIS 69153, at *1

26 (N.D. Cal. June 17, 2010). Indeed, “A court may take judicial notice of pleadings, court

27 orders, and judgments filed in another litigation.” *Putam v. State Bar of California*,

28 2010 U.S. Dist. LEXIS 80283 (C.D. Cal. June 25, 2010).

